

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISIO

AMY CASSIDY,

Plaintiff,

v.

CIVIL ACTION NO. 2:16-cv-05777

COLOPLAST CORP.,

Defendant.

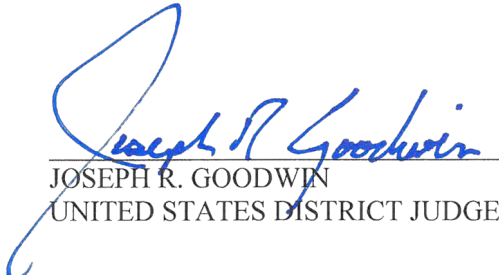
MEMORANDUM OPINION AND ORDER

Pending is a motion to dismiss Coloplast Corp. (“Coloplast”) with prejudice for plaintiff’s failure to serve a Plaintiff Fact Sheet pursuant to deadlines and requirements established by the court’s previous pretrial order. (ECF No. 11). Plaintiff has not responded to the motion. The court finds, pursuant to Rules 16 and 37 of the Federal Rules of Civil Procedure and after weighing the factors identified in *Wilson v. Volkswagen of Am., Inc.*, 561 F.2d 494, 503-06 (4th Cir. 1977), that Coloplast should be dismissed without prejudice from this case for failure to serve Plaintiff Fact Sheets in compliance with the court’s previous pretrial order.

Therefore, the court **ORDERS** that the motion to dismiss (ECF No. 11) is **GRANTED in part** to the extent Coloplast seeks dismissal and **DENIED insofar as Coloplast seeks dismissal with prejudice**. The court **ORDERS** that Coloplast is dismissed without prejudice, and this case is closed and stricken from the court’s docket.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: May 9, 2019



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE